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Reply to the
Attention of M/S AT-083

**Dr. Deborah Hankins
Manager, Remedial Projects
General Electric Company
275 Battery St., 23rd Floor
San Francisco, California 94111**

**Re: General Electric site in Spokane, Washington
EPA Identification Number WAD135852150**

Dear Dr. Hankins:

This letter concerns PCB (polychlorinated biphenyl) waste which General Electric Company (GE) manifested on Uniform Hazardous Waste Manifest Number 90113 on October 26, 1990, to the GE site located at E. 4323 Mission Ave., Spokane, Washington. The PCB waste was identified on the manifest as having been removed from service on September 18, 1990. Following is our understanding of certain circumstances relating to this PCB waste, and our specification of provisions for resolution of certain conditions at the GE site in Spokane.

At the time of the transport of this PCB waste, Geosafe Corporation had a Toxic Substances Control Act (TSCA) approval, pursuant to 40 C.F.R. § 761.60(e) of the PCB Regulations, to dispose of PCBs at the GE site by means of in situ vitrification. The approval was issued on August 2, 1990, by the U.S. Environmental Protection Agency's (EPA's) Headquarters, Office of Toxic Substances, Chemical Regulation Branch. This disposal project was part of a treatability study to determine appropriate remediation response for PCB contamination on the GE site, which is on EPA's National Priorities List of Superfund sites. The State of Washington, Department of Ecology, under the authority of the Model Toxics Control Act (MTCA), has the lead on the cleanup of contamination at this site pursuant to a Memorandum of Agreement with EPA.

It is our understanding that the PCB waste transported to the GE site in Spokane was used to "spike" soil in one of five melt cells intended for use in the in situ

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vitrification process, and that the soil contaminated by this spiking action remains in that cell. Geosafe Corporation's approval to dispose of PCBs by in situ vitrification at the GE site expired on December 15, 1990. No request for renewal of the approval has been received by EPA. Therefore, there is currently no TSCA-approved PCB disposal facility at the GE site in Spokane.¹ A review of information obtained to date has documented that PCB waste manifested by GE on Uniform Hazardous Waste Manifest Number 90113, and transported by GE to the GE site in Spokane, Washington, on October 26, 1990, was not disposed of within one year of the date when it was first placed into storage. 40 C.F.R. § 761.65(a) requires that any PCB Article or PCB Container stored for disposal after January 1, 1983, be removed from storage and disposed of as required by 40 C.F.R. Part 761, Subpart D, within one year from the date when it was first placed into storage.

It is our understanding that the following accurately describes the PCB-spiked cell and its relevance to the cleanup efforts at the GE site in Spokane:

1. The PCB-spiked cell does not represent a significant health or environmental risk.
2. The cell in question was spiked with PCBs in accordance with a formal approval from EPA's Office of Toxic Substances pursuant to 40 C.F.R. Part 761. The PCB waste used to spike the cell was transported to the GE site when Geosafe Corporation had a TSCA disposal approval at the site.
3. The in situ vitrification process continues to be a viable treatment/disposal option for the cleanup of the PCB contamination at the GE site in Spokane. Demonstration of the effectiveness of the technology, through treatability studies of materials in the PCB-spiked cell, is a necessary step in the selection of the final cleanup remedy.

¹ EPA disagrees with GE's assertion in a letter to Margaret Silver from Dan Ballbach dated August 29, 1991, that approvals are not necessary and should be waived under CERCLA and/or the NCP. Although GE Spokane is an NPL site, the cleanup is being conducted under the authority of MTCA. Accordingly, compliance with all applicable requirements under other federal environmental statutes, including TSCA, is required.

Based on the above information and understanding, no formal TSCA enforcement action relative to the PCB-spiked cell will be taken by EPA Region 10, provided that the information described in items one through three above continues to accurately describe the PCB-spiked cell and its relevance and importance to the cleanup efforts at the GE site in Spokane. Our determination not to take formal TSCA enforcement action is also conditional upon the following:

1. GE, or a contractor for GE, slopes the area surrounding the PCB spiked ISV Demonstration Cell away from the cell to minimize surface water run-on.
2. GE, or a contractor for GE, minimizes infiltration into the PCB spiked ISV Demonstration Cell through covering the cell, using suitable materials, and visually monitors the cell with sufficient frequency to ensure maintenance of the cell's integrity.
3. GE, or a contractor for GE, submits an application for a TSCA PCB disposal approval, pursuant to 40 C.F.R. § 761.60(e), for an in situ vitrification process at the GE site, no later than October 1, 1993. The application should be submitted to EPA Headquarters, with a copy of the cover letter submitted to EPA Region 10. If no application has been submitted by October 1, 1992, GE shall advise EPA Region 10, by that date, of the status of the application.
 - A. If an approval is granted to GE (or its contractor), and it is determined by the State of Washington, Department of Ecology, and GE that the in situ vitrification treatability studies on the PCB waste in the spiked cell will extend beyond the expiration date of the approval, GE (or its contractor) shall request a renewal of the approval at least two months prior to the expiration date. Such a request for renewal shall be submitted to EPA Headquarters, with a copy of the request submitted to EPA Region 10.
 - B. If an application for a TSCA PCB disposal approval for an situ vitrification process is submitted prior to October 1, 1993, and approval of such disposal is denied, GE shall notify EPA Region 10 of such denial within 30 days of such denial. Within 60 days of such denial, GE shall notify EPA Region 10 of its proposed disposal method(s) under 40 C.F.R. § 761.60, for the PCB waste in the spiked cell. Within 90 days of such denial, GE shall provide

EPA Region 10 with documentation that the PCB waste in the spiked cell has been manifested, pursuant to 40 C.F.R. §§ 761.207 through 761.218, to a TSCA-approved PCB disposal facility.

4. If no application is submitted by GE (or its contractor) by October 1, 1993, for approval to dispose of PCBs in the spiked cell by in situ vitrification, GE shall so notify EPA Region 10 no later than November 1, 1993. No later than December 1, 1993, GE shall notify EPA Region 10 of its proposed disposal method(s) under 40 C.F.R. § 761.60, for the PCB waste in the spiked cell. No later than January 1, 1994, GE shall provide EPA Region 10 with documentation that the PCB waste in the spiked cell has been manifested, pursuant to 40 C.F.R. §§ 761.207 through 761.218, to a TSCA-approved PCB disposal facility.
5. If either GE (or its contractor) or the State of Washington, Department of Ecology, determines that the in situ vitrification process can not be used to dispose of the PCB waste in the spiked cell, or if GE (or its contractor) otherwise determines prior to October 1, 1993, not to submit an application for approval to dispose of the PCBs in the spiked cell by in situ vitrification, GE shall notify EPA Region 10 of this determination, within 30 days of such determination. Within 60 days of such determination, GE shall notify EPA Region 10 of its proposed disposal method(s) under 40 C.F.R. § 761.60, for the PCB waste in the spiked cell. Within 90 days of such determination, GE shall provide EPA Region 10 with documentation that the PCB waste in the spiked cell has been manifested, pursuant to 40 C.F.R. §§ 761.207 through 761.218, to a TSCA-approved PCB disposal facility.

All documents or notices required to be submitted to EPA Headquarters shall be submitted in writing to:

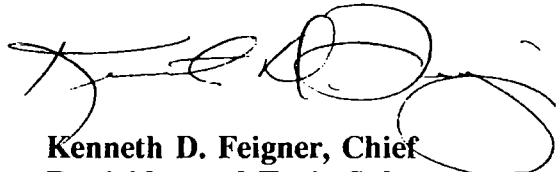
Joseph J. Merenda, Jr., Director
Exposure Evaluation Division, TS-798
Environmental Protection Agency
401 M St S.W.
Washington, D.C. 20460

All documents or notices required to be submitted to EPA Region 10 shall be submitted in writing to:

**William M. Hedgebeth
PCB Team Leader
EPA Region 10
Toxic Substances Section
1200 Sixth Avenue, M/S AT-083
Seattle, Washington 98101**

EPA Region 10 reserves the right to take appropriate legal action if, in our judgment, GE does not comply with the requirements set forth in this letter. If you have any questions regarding this specific issue, please contact either William Hedgebeth, EPA Region 10 PCB Team Leader, at (206) 553-7369, or Christina Colt, EPA Region 10 PCB Disposal Coordinator, at (206) 553-8577.

Sincerely,



**Kenneth D. Feigner, Chief
Pesticides and Toxic Substances Branch**

**cc: Chuck Findley, HW-111
Phil Millam, HW-113
Julie Vergeront, SO-125
Tod Gold, SO-125
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